

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 MALEK KALID PTAH,

9 Petitioner,

10 v.

11 STATE OF WASHINGTON,

12 Respondent.

CASE NO. C19-992RSM-MAT

ORDER ON REPORT AND
RECOMMENDATION

13
14 This matter is before the Court on the Report and Recommendation (R&R) of the
15 Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. #7) and Petitioner's
16 objections to the R&R (Dkt. #8). As recounted in the R&R, Petitioner originally used the
17 incorrect form to seek *in forma pauperis* status before this Court. Dkt. #7 at 1 (citing Dkt. #1).
18 When alerted of the deficiency, Petitioner utilized the correct form, but did not obtain the required
19 certification from his institution. Dkt. #3 at 2. The Clerk again alerted Petitioner to the deficiency
20 and gave him until August 15, 2019, to remedy the error or face dismissal. When Petitioner
21 failed to remedy the deficiencies, the Honorable Mary Alice Theiler entered the R&R
22 recommending that the Court dismiss the action without prejudice for failure to prosecute. Dkt.
23 #7 at 2.

1 In response to the R&R and as his objections, Petitioner filed the required certification
2 on September 9, 2019. Dkt. #8. Subsequently, Petitioner has also paid the filing fee required
3 and the Court has filed his habeas corpus petition. Dkt. #9.

4 Accordingly, and having reviewed the Report and Recommendation of the Honorable
5 Mary Alice Theiler, United States Magistrate Judge, and the remaining record, the Court FINDS
6 and ORDERS:

- 7 1. The Report and Recommendation (Dkt. #7) is NOT ADOPTED;
- 8 2. Petitioner's Application to Proceed In Forma Pauperis (Dkt. #3) is DENIED AS MOOT;
- 9 3. This matter is re-referred to the Honorable Mary Alice Theiler for further proceedings;
10 and
- 11 4. The Clerk is directed to send copies of this Order to Petitioner and to the Honorable Mary
12 Alice Theiler.

13 Dated this 29 day of October, 2019.

14 

15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24